FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Civil Application No. 4211/2003 IN Second Appeal No.145/2001

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Smt. Vasanti A. Naik, J.
DATE : 14th June, 2007.

By this Civil Application, the applicant seeks vacation of stay granted by this Court on 03.12.2001. This Court had stayed the decree for possession only on the condition of appellant depositing an amount of Rs.10,000/- and an amount of Rs.150/- per month in the trial Court within four weeks.

Shri Kothari, the learned counsel for the appellant, submits that there was no default in making the payment of Rs. 10,000/-. It is, however, submitted on behalf of the appellant that the subsequent defaults were due to the poor financial condition of the appellant but, as on today, the appellant is not in any arrears in making the payment of Rs.150/- per month. He submits that the amount has been paid till the month of June-2007.

In view of the aforesaid position, it

would not be necessary in the interest of justice, to vacate the stay of possession immediately. However, in case the appellant makes any default in payment of the amount of Rs.150/- per month in the trial Court during the pendency of the Second Appeal, the respondent is at liberty to make an application for vacation of stay so that the stay granted in favour of the applicant can be vacated.

The Civil Application is disposed of accordingly.

JUDGE

APTE